He was, of course, quoting from Justice Brandeis's famous comments in an opinion when he was a Justice on the Supreme Court, about sunshine being the best disinfectant.

Shortly we will have an opportunity to proceed with the DISCLOSE Act. We will have an opportunity to vote.

I understand some of the concerns of my Republican colleagues. They say: Look, corporations generally side with Republicans. Therefore, if we can get corporations to put more money into the election process, won't that be good for Republicans?

Let me counter that by saying we all benefit. Each Member of this body benefits by reducing the influence outside interests have in the independence we can exercise in the Senate. Look at what is going to happen if we don't change this. Karl Rove has indicated he intends to bring forward $52 million to try to influence the 2010 elections by so-called anonymous donors, without disclosing the source of the funds. We know there is the potential of hundreds of millions of dollars being spent to influence votes without disclosing where that money is coming from, under the banner of Citizens United and corporate contributions. We can do something about that.

Our legacy to protect a free and fair election process from undue influence of corporate special interests is more important than even our own individual elections. We were able to come together in 2002. Let's reconfirm what we did. Let's each do what is right for the integrity of the election process. Let's each do what we said we believe in—full disclosure. We can do that with the motion to proceed.

Voting for cloture on this motion does not preclude a Member from offering an amendment. If there is something in the proposal one doesn't like—all of us would wish to see it stronger, or maybe there are other provisions we wish to take a look at—let's proceed to the debate. Let's not be afraid to have the debate on the floor of the Senate, supposedly the greatest debating institution in the world. Let's not be afraid to have the debate on how we can make elections more responsive to the needs of the people, ordinary citizens, so they have a right to know who is trying to influence their vote. Let's have that debate on the floor of the Senate. We will have a chance to do that in a few hours by voting for cloture on the motion to proceed.

I urge my colleagues, give the American people this debate they so richly deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Could the Chair let us know how much time is left on either side?

The PRESIDING OFFICER. We are no longer under controlled time. There are 10-minute segments for Senators.

The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I come to the floor to speak with regard to election reform, democracy, and unfortunately partisanship, and most importantly, the first amendment.

There is a threat to the Constitution on the floor of the Senate today. It is called the DISCLOSE Act. I urge my colleagues to oppose this bill.

The DISCLOSE Act, an Orwellian oxymoron if there ever was one, contradicts the Supreme Court's January decision in Citizens United. It is essential to put the decision in context and shed sunlight on this dangerous bill.

First, I applaud the Court's ruling. It reaffirms the right to freedom of speech. This is precisely the Court's role in our government system of checks and balances: to rein in Congress when legislation does not square with our founding principles. Let us remember the 10 words in the first amendment that are most relevant for this debate:

> Congress shall make no law . . . abridging the freedom of speech.

However, some of my colleagues across the aisle have mischaracterized the Citizens United decision as undoing 100 years of law and precedent. This is a reference to the Tillman Act of 1907 that prohibits corporations from directly financing political campaigns. This was not affected by the Court's ruling. The Supreme Court did rule, however, against provisions of the so-called Bipartisan Campaign Reform Act of 2002 that barred corporations and unions from running political ads 30 days before a primary and 60 days before a general election. Corporations and unions cannot donate directly to a Federal candidate and, contrary to the claim of DISCLOSE Act supporters, it is already illegal for foreign entities to participate in American elections.

Unfortunately, the sponsors of the DISCLOSE Act have chosen partisan fiction over fact in their effort to override the Court. The DISCLOSE Act is anything but full and fair campaign disclosure. It is politically skewed, motivated by a majority desperate to continue to be a majority.

The DISCLOSE Act is loaded with handouts to the most monied of Washington special interests, including the National Rifle Association and the Sierra Club. They didn't want tape put on their mouths. Others doubtlessly were standing in line saying: Don't muzzle me, you can simply muzzle the other guy behind the tree.

I challenge anyone who comes to the floor to preach the virtues of this bill to explain, with a straight face, the carefully tailored exemptions from disclosure included in title III. Moreover, despite a clever rewording of the House-passed version, the Senate bill retains carve-outs for labor unions by exempting donations under $600 under title II, section 211. This figure is conveniently below the average union dues. So for 600 bucks you have free speech. If it is over $600, you don't.

Supporters of the DISCLOSE Act claim it is necessary to keep a flood of money out of politics, but carve-outs for special interests say otherwise. On June 24, the National Journal's Congress Daily reported that environmental, labor, and other groups—many of which specifically benefit from title II and title III exemptions—announced they would spend $11 million to either reward or admonish Senators in both parties for their positions in regard to climate change legislation.

Another example is the American Federation of State, County, and Municipal Employees. The Hill newspaper reported on June 21 that this union, exempt under the bill, had ponied up $75,000 for ads in Maine to pressure Senators OLYMPIA SNOWE and SUSAN COLLINS to support a taxpayer-funded bailout for unions.

These facts present an inconvenient truth for the sponsors of the DISCLOSE Act. It flies in the face of our democracy for the majority to ration the right of free speech to one set of Americans at the expense of others.

In May, it was reported in the press that sponsors of this bill boasted that its deterrent effect should not be underestimated. Americans do not, and never have found it appropriate for government to shut down any political dissent.

The DISCLOSE Act abandons the longstanding practice of treating corporations and unions equally. But even if title II and title III exemptions were removed, the bill is still unworkable. On May 19, writing in the Wall Street Journal, over half a dozen former FEC Commissioners noted that the FEC has regulations for 33 types of contributions and speech and 71 different types of speakers. The DISCLOSE Act adds to this complexity with another layer of Byzantine requirements that raise serious concerns about whether the law can be enforced consistent with the first amendment. We do not need any more regulations to the first amendment.

If anyone doubts this bill is motivated by politics, they need to look no further than a June 22 letter sent by the bill's Senate sponsor and the Senate majority leader to Members of the House in which they pledge to bring the measure to the floor in advance of the fall elections. Why the rush? In so doing, the majority has again used rule XIV to bypass the Senate Rules Committee—a committee upon which I serve—in order to expedite the DISCLOSE Act's passage.

Unfortunately, it is becoming all too common for the majority to circumvent regular order, stifle the minority, and force unwanted legislation on the people by filling the amendment tree, misusing rule XIV, and ping-ponging legislation between the Houses. I am tired of Ping-Pong. Give me table tennis. Give me a paddle. Give me five serves, and then I will let Senator SCHUMER have five serves, and we can go back and forth as we should in regard to amendments in the Rules Committee, where this debate ought to